



**NOTICE OF EXECUTIVE, SPECIAL, AND
REGULAR SESSIONS OF
THE FOUNTAIN HILLS TOWN COUNCIL**

Mayor Jay T. Schlum

Vice Mayor Mike Archambault

Councilmember Dennis Brown

Councilmember Dennis Contino

Councilmember Ginny Dickey

Councilmember Cassie Hansen

Councilmember Henry Leger

TIME: 5:30 P.M. EXECUTIVE SESSION

(Executive Session will be held in the Fountain Conference Room - 2nd floor)

6:30 P.M. SPECIAL SESSION CONVENES and upon adjournment, the
TOWN COUNCIL will convene the **REGULAR SESSION**.

WHEN: THURSDAY, JUNE 18, 2009

WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS

16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ

PROCEDURE FOR ADDRESSING THE COUNCIL

Anyone wishing to speak before the Council must fill out a speaker's card and submit it to the Town Clerk prior to Council discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Clerk's position on the dais.

Speakers will be called in the order in which the speaker cards were received either by the Clerk or the Mayor. At that time, speakers should stand and approach the podium. Speakers are asked to state their name prior to commenting and to direct their comments to the Presiding Officer and not to individual Councilmembers. Speakers' statements should not be repetitive. *If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

If there is a Public Hearing, please submit the speaker card to speak to that issue during the Public Hearing.

Individual speakers will be allowed **three** contiguous minutes to address the Council. Time limits may be waived by *(i) discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a Meeting, (ii) consensus of the Council at Meeting or (iii) the Mayor either prior to or during a Meeting*. Please be respectful when making your comments. If you do not comply with these rules, you will be asked to leave.

EXECUTIVE SESSION AGENDA

- **CALL TO ORDER**
- 1. **ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION:** Pursuant to: (i) ARIZ. REV. STAT. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body (*Specifically, (a) reviewing applications received for possible service on the Planning and Zoning Commission and (b) reviewing the Town Manager's work plan*); and (ii) ARIZ. REV. STAT. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation (*Specifically, the Firerock tax litigation*).
- 2. **ADJOURN** to Special Session.

SPECIAL SESSION AGENDA

- **CALL SPECIAL SESSION TO ORDER AND PLEDGE OF ALLEGIANCE –**
Mayor Schlum
- **INVOCATION –** Pastor Tom Daly, Trinity Lutheran Church
- **ROLL CALL –** Mayor Schlum
- **MAYOR'S REPORT**
 - i. Recognition of Dennis Brown for his service to the Town of Fountain Hills as a former member and chairman of the Planning and Zoning Commission.
 - ii. The Mayor will read a proclamation in recognition of Reserve MCSO Deputy Jeselun's service.
 - iii. The Mayor will read a proclamation supporting the Maricopa County "Clean Air Make More" campaign.
- **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**
 - i. Presentation by Fred Stephenson, Stantec Infrastructure Management, regarding pavement management analysis.

SPECIAL SESSION

1. **PUBLIC HEARING** regarding RESOLUTION 2009-17, adopting the Tentative Budget as the FINAL BUDGET for the 2009-2010 Fiscal Year budget for the Town of Fountain Hills.
2. **CONSIDERATION** of RESOLUTION 2009-17, adopting the Tentative Budget as the FINAL BUDGET for the 2009-2010 Fiscal Year budget for the Town of Fountain Hills.
3. **ADJOURN** the SPECIAL SESSION and convene the REGULAR SESSION.

REGULAR SESSION AGENDA

- **CALL THE REGULAR SESSION TO ORDER** – Mayor Schlum
- **ROLL CALL** – Mayor Schlum

CALL TO THE PUBLIC

Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during “Call to the Public” unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Council agenda.

CONSENT AGENDA

1. **CONSIDERATION** of approving the TOWN COUNCIL MEETING MINUTES from May 21, May 27, and June 4, 2009.
2. **CONSIDERATION** for approving RESOLUTION 2009-19, abandoning whatever right, title, or interest the Town has in the certain Public Utility and Drainage Easements located at the southerly and westerly property lines of Plat 602D, Block 2, Lot 1 (15307 E. Verbena Drive) as recorded in Book 166 of Maps, Page 34, Records of Maricopa County, Arizona. EA09-03 (Nangle)
3. **CONSIDERATION** for approving RESOLUTION 2009-23, abandoning whatever right, title, or interest the Town has in portions of the certain Public Utility and Drainage Easements located at the northeasterly property line of Plat 506B, Block 2, Lot 23 (14956 E. Marathon Drive) as recorded in Book 159 of Maps, Page 03, Records of Maricopa County, Arizona. EA09-04 (Czarnyszka)
4. **CONSIDERATION** of approving a LIQUOR LICENSE APPLICATION submitted by Frederic Charles Zimmerman (Fountini’s Bar and Grill), located at 13407 North La Montana Drive, Fountain Hills, AZ. This is for a series 12 license (Restaurant).

REGULAR AGENDA

5. **DISCUSSION OF GREEN BUILDING DESIGN OPTIONS WITH POSSIBLE DIRECTION TO STAFF AND CONSIDERATION** of appropriating funds, not to exceed \$60,000, to Hunt & Caraway Architects LTD relative to the LEED design of the possible new fire station.
6. **DISCUSSION AND CONSIDERATION** of possible Town MATCHING FUNDS, not to exceed 10%, relating to the 2009 Assistance to Firefighters Grant for construction of the possible new fire station.
7. **PUBLIC HEARING** relating to ORDINANCE 09-06, amending the Fountain Hills Zoning Ordinance Chapter 6, Sign Regulations to eliminate the requirement that an A-frame sign be located within twenty (20) feet of the main building entrance and to increase the signage allowed for large commercial buildings. Case #Z2009-01

8. **CONSIDERATION** of ORDINANCE 09-06, amending the Fountain Hills Zoning Ordinance Chapter 6, Sign Regulations to eliminate the requirement that an A-frame sign be located within twenty (20) feet of the main building entrance and to increase the signage allowed for large commercial buildings. Case #Z2009-01
9. **CONSIDERATION** of renewing the ANNUAL LANDSCAPE CONTRACT with Mariposa Landscape Arizona Inc., in the amount of \$134,839.
10. **CONSIDERATION** of renewing the Nichols & Sons LANDSCAPE MAINTENANCE CONTRACT for FY2009-10 in the amount of \$155,466.07.
11. **CONSIDERATION** of the OPTION AND LEASE AGREEMENT between the Town and Cricket Communications, Inc. for a new wireless telecommunications facility constructed on approximately 312 square feet within Desert Vista Neighborhood Park for an initial term of five (5) years.
12. **CONSIDERATION** of RESOLUTION 2009-05, amending the Town Financial Policies Section III Fund Balance, establishing a Rainy Day Fund.
13. **CONSIDERATION** of RESOLUTION 2009-22, a Transit Service Agreement between the Town and the Regional Public Transportation Authority (of Maricopa County) relative to reimbursement for the cost to provide ADA Paratransit services for the period July 1, 2007 through June 30, 2012.
14. **DISCUSSION WITH POSSIBLE DIRECTION TO STAFF** regarding putting before the voters THE QUESTION of authorizing approximately \$4,500,000 in Street and Highway Improvement and General Obligation bonds to be held in November, 2009.
15. **CONSIDERATION** of approving the CANCELLATION of the Fountain Hills' Town Council regular meeting scheduled for July 16, 2009.
16. **DISCUSSION WITH POSSIBLE DIRECTION** to the Town Manager, Town Attorney and Litigation Counsel regarding the Firerock tax litigation.
17. **COUNCIL DISCUSSION/DIRECTION** to the Town Manager.
Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council:
A. None.
18. **SUMMARY** of COUNCIL REQUESTS and REPORT ON RECENT ACTIVITIES by the Town Manager.
19. **ADJOURNMENT.**

DATED this 11th day of June, 2009



Bevelyn J. Bender, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's office and on the Town's website: www.fh.az.gov.*